

FILED

2012 OCT 10 PM 2:04  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

1 Thomas P. Riley, SBN 194706  
2 LAW OFFICES OF THOMAS P. RILEY, P.C.  
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4 1114 Fremont Avenue  
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9 Attorneys for Plaintiff  
10 Innovative Sports Management, Inc.

11 UNITED STATES DISTRICT COURT  
12 FOR THE  
13 CENTRAL DISTRICT OF CALIFORNIA  
14 SOUTHERN DIVISION

15 INNOVATIVE SPORTS MANAGEMENT,  
16 INC.,

17 Plaintiff,

18 vs.

19 RENZO MACCHIAVELLO, individually and  
20 d/b/a RENZO'S TASTE OF PERU; and  
21 MACCHIAVELLO, LLC, an unknown  
22 business entity d/b/a RENZO'S TASTE OF  
23 PERU,

24 Defendants.

Case No.: SA CV 12-1748-DOC

CRNBA  
COMPLAINT

25 PLAINTIFF ALLEGES:

26 JURISDICTION

27 1. Jurisdiction is founded on the existence of a question arising under particular statutes.  
28 This action is brought pursuant to several federal statutes, including the Communications Act of 1934, as amended, Title 47 U.S.C. 605, *et seq.*, and The Cable & Television Consumer Protection

1 and Competition Act of 1992, as amended, Title 47 U.S. Section 553, *et seq.*, and California B&P  
2 Section 17200, a California state statute.

3 2. This Court has jurisdiction of the subject matter of this action pursuant to 28 U.S.C.  
4 Section 1331, which states that the District Courts shall original jurisdiction of all civil actions  
5 arising under the Constitution, laws, or treaties, of the United States. This Court has subject matter  
6 jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367 (supplemental jurisdiction).

7 3. This Court has personal jurisdiction over the parties in this action as a result of the  
8 Defendant's wrongful acts hereinafter complained of which violated the Plaintiff's rights as the  
9 exclusive commercial domestic distributor of the televised fight *Program* hereinafter set forth at  
10 length. The Defendants' wrongful acts consisted of the interception, reception, publication,  
11 divulgence, display, exhibition, and tortious conversion of said property of Plaintiff within the  
12 control of the Plaintiff in the State of California constituting an unfair business practice in violation  
13 of the law, including specific California state statutes, more particularly set forth below.

#### 14 15 VENUE

16 4. Pursuant to Title 47 U.S.C. Section 605, venue is proper in the Central District of  
17 California, because a substantial part of the events or omissions giving rise to the claim occurred in  
18 this District and/or because, *inter alia*, Defendants reside within the State of California (28 U.S. C.  
19 § 1391 (b) and 28 U.S.C. § 84(c)(2)).

#### 20 21 INTRADISTRICT ASSIGNMENT

22 5. Assignment to the Southern Division of the Central District of California is proper  
23 because a substantial part of the events or omissions giving rise to the claim occurred in Orange  
24 County and/or the United States District Court for the Central District of California has decided  
25 that suits of this nature, and each of them, are to be heard by the Courts in this particular  
26 Division.

#### 27 THE PARTIES 28

1 6. Plaintiff, Innovative Sports Management, Inc. is, and at all relevant times mentioned was, a  
2 New Jersey corporation with its principal place of business located at 720 Monroe Street, Suite E-  
3 303, Hoboken, New Jersey 07030.

4 7. Defendant Renzo Macchiavello is a managing member of Macchiavello, LLC, which owns  
5 and operates the commercial establishment doing business as Renzo's Taste of Peru. Renzo's Taste  
6 of Peru operates at 2222 Michelson Drive, Irvine, California 92612.

7 8. Defendant Renzo Macchiavello is the individual specifically identified as the Business  
8 Owner of Renzo's Taste of Peru on the Renzo's Taste of Peru business license issued by the City of  
9 Irvine, California (Account #BUS10-01110).

10  
11 9. Plaintiff is informed and believes, and alleges thereon that on Tuesday, October 11, 2011  
12 (the night of the *Program* at issue herein, as more specifically defined in paragraph 16), Defendant  
13 Renzo Macchiavello had the right and ability to supervise the activities of Renzo's Taste of Peru,  
14 which included the unlawful interception of Plaintiff's *Program*.

15 10. Plaintiff is informed and believes, and alleges thereon that on Tuesday, October 11, 2011  
16 (the night of the *Program* at issue herein, as more specifically defined in paragraph 16), Defendant  
17 Renzo Macchiavello, as an individual specifically identified as the owner of Renzo's Taste of Peru,  
18 had the obligation to supervise the activities of Renzo's Taste of Peru, which included the unlawful  
19 interception of Plaintiff's *Program*, and, among other responsibilities, had the obligation to ensure  
20 that the business license was not used in violation of law.

21 11. Plaintiff is informed and believes, and alleges thereon that on Tuesday, October 11, 2011  
22 (the night of the *Program* at issue herein, as more specifically defined in paragraph 16), Defendant  
23 Renzo Macchiavello specifically directed the employees of Renzo's Taste of Peru to unlawfully  
24 intercept and broadcast Plaintiff's *Program* at Renzo's Taste of Peru or that the actions of the  
25 employees of Renzo's Taste of Peru are directly imputable to Defendants Renzo Macchiavello by  
26 virtue of their acknowledged responsibility for the actions of Renzo's Taste of Peru.

27 12. Plaintiff is informed and believes, and alleges thereon that on Tuesday, October 11, 2011,  
28 Defendant Renzo Macchiavello as a managing member of Macchiavello, LLC and as an individual

1 specifically identified on the business license for Renzo's Taste of Peru, had an obvious and direct  
2 financial interest in the activities of Renzo's Taste of Peru, which included the unlawful  
3 interception of Plaintiff's *Program*.

4 13. Plaintiff is informed and believes, and alleges thereon that the unlawful broadcast of  
5 Plaintiff's *Program*, as supervised and/or authorized by Defendant Renzo Macchiavello resulted in  
6 increased profits for Renzo's Taste of Peru.

7 14. Plaintiff is informed and believed, and alleges thereon that Defendant, Macchiavello, LLC  
8 is an owner, and/or operator, and/or licensee, and/or permittee, and/or person in charge, and/or an  
9 individual with dominion, control, oversight and management of the commercial establishment  
10 doing business as Renzo's Taste of Peru operating at 2222 Michelson Drive, Irvine,  
11 California 92612.

12 **COUNT I**

13 **(Violation of Title 47 U.S.C. Section 605)**

14  
15 15. Plaintiff Innovative Sports Management, Inc., hereby incorporates by reference all of the  
16 allegations contained in paragraphs 1-14, inclusive, as though set forth herein at length.

17 16. Pursuant to contract, Plaintiff Innovative Sports Management, Inc., was granted the  
18 exclusive nationwide commercial distribution (closed-circuit) rights to *CONCACAF World Cup*  
19 *Quilifier Tournament including but not limited to Peru v. Chile World Cup Quilifier Game*,  
20 telecast nationwide on Saturday, Tuesday, October 11, 2011 (this included all interviews and  
21 game commentary encompassed in the television broadcast of the event, hereinafter referred to as  
22 the "*Program*").

23 17. Pursuant to contract, Plaintiff Innovative Sports Management, Inc., entered into subsequent  
24 sublicensing agreements with various commercial entities throughout North America, including  
25 entities within the State of California, by which it granted these entities limited sublicensing rights,  
26 specifically the rights to publicly exhibit the *Program* within their respective commercial  
27 establishments in the hospitality industry (i.e., hotels, racetracks, casinos, bars, taverns, restaurants,  
28 social clubs, etc.).

///

1 18. As a commercial distributor and licensor of sporting events, including the *Program*,  
2 Plaintiff Innovative Sports Management, Inc., expended substantial monies marketing, advertising,  
3 promoting, administering, and transmitting the *Program* to its customers, the aforementioned  
4 commercial entities.

5 19. With full knowledge that the *Program* was not to be intercepted, received, published,  
6 divulged, displayed, and/or exhibited by commercial entities unauthorized to do so, each and every  
7 one of the above named Defendants, either through direct action or through actions of employees  
8 or agents directly imputable to Defendants (as outlined in paragraphs 7-14 above), did unlawfully  
9 intercept, receive, publish, divulge, display, and/or exhibit the *Program* at the time of its  
10 transmission at their commercial establishment in Irvine, California located at 2222 Michelson  
11 Drive, Irvine, California 92612.

12 20. Said unauthorized interception, reception, publication, exhibition, divulgence, display,  
13 and/or exhibition by each of the Defendants was done willfully and for purposes of direct and/or  
14 indirect commercial advantage and/or private financial gain.

15 21. Title 47 U.S.C. Section 605, *et seq.*, prohibits the unauthorized publication or use of  
16 communications (such as the transmission of the *Program* for which Plaintiff Innovative Sports  
17 Management, Inc., had the distribution rights thereto).

18  
19 22. By reason of the aforesaid mentioned conduct, the aforementioned Defendants, and each of  
20 them, violated Title 47 U.S.C. Section 605, *et seq.*

21 23. By reason of the Defendants' violation of Title 47 U.S.C. Section 605, *et seq.*, Plaintiff  
22 Innovative Sports Management, Inc., has the private right of action pursuant to Title 47 U.S.C.  
23 Section 605.

24  
25 24. As the result of the aforementioned Defendants' violation of Title 47 U.S.C. Section 605,  
26 and pursuant to said Section 605, Plaintiff Innovative Sports Management, Inc., is entitled to the  
27 following from each Defendant:

28 ///

1 (a) Statutory damages for each willful violation in an amount to  
2 \$100,000.00 pursuant to Title 47 U.S.C. 605(e)(3)(C)(ii), and also  
3

4 (b) the recovery of full costs, including reasonable attorneys' fees,  
5 pursuant to Title 47 U.S.C. Section 605(e)(3)(B)(iii).  
6

7 **WHEREFORE, Plaintiff prays for judgment as set forth below.**

8 **COUNT II**

9 **(Violation of Title 47 U.S.C. Section 553)**

10 25. Plaintiff's hereby incorporates by reference all of the allegations contained in paragraphs 1-  
11 24, inclusive, as though set forth herein at length.

12  
13 26. The unauthorized interceptions, reception, publication, divulgence, display, and/or  
14 exhibition of the *Program* by the above named Defendants was prohibited by Title 47 U.S.C.  
15 Section 553, *et seq.*

16 27. By reason of the aforesaid mentioned conduct, the aforementioned Defendants, and each of  
17 them, violated Title 47 U.S.C. Section 553, *et seq.*

18  
19 28. By reason of the Defendants' violation of Title 47 U.S.C. Section 553, *et seq.*, Plaintiff  
20 Innovative Sports Management, Inc., has the private right of action pursuant to Title 47 U.S.C.  
21 Section 553.

22 29. As the result of the aforementioned Defendants' violation of Title 47 U.S.C. Section 553,  
23 Plaintiff Innovative Sports Management, Inc., is entitled to the following from each Defendant:

24 (a) Statutory damages for each violation in an amount to  
25 \$10,000.00 pursuant to Title 47 U.S.C. § 553(c)(3)(A)(ii); and also  
26

27 (b) Statutory damages for each willful violation in an amount to  
28 \$50,000.00 pursuant to Title 47 U.S.C. § 553(c)(3)(B); and also

1 (c) the recovery of full costs pursuant to Title 47 U.S.C. Section 553  
2 (c)(2)(C); and also  
3

4 (d) and in the discretion of this Honorable Court, reasonable attorneys' fees,  
5 pursuant to Title 47 U.S.C. Section 553 (c)(2)(C).  
6

7 **WHEREFORE, Plaintiff prays for judgment as set forth below.**

8 **COUNT III**

9 **(Conversion)**

10  
11 30. Plaintiff's hereby incorporates by reference all of the allegations contained in paragraphs 1-  
12 29, inclusive, as though set forth herein at length.

13  
14 31. By their aforesaid acts of interception, reception, publication, divulgence, display, and/or  
15 exhibition of the *Program* at their commercial establishment at the above-captioned address, the  
16 aforementioned Defendants, and each of them, tortuously obtained possession of the *Program* and  
17 wrongfully converted same for their own use and benefit.

18 32. The aforesaid acts of the Defendants were willful, malicious, egregious, and intentionally  
19 designed to harm Plaintiff Innovative Sports Management, Inc., by depriving Plaintiff of the  
20 commercial license fee to which Plaintiff was rightfully entitled to receive from them, and in doing  
21 so, the Defendants subjected the Plaintiff to severe economic distress and great financial loss.

22 33. Accordingly, Plaintiff Innovative Sports Management, Inc., is entitled to both  
23 compensatory, as well as punitive and exemplary damages, from aforementioned Defendants as  
24 the result of the Defendants' egregious conduct, theft, and conversion of the *Program* and  
25 deliberate injury  
26 to the Plaintiff.

27 **COUNT IV**

28 **(Violation of California Business and Professions Code Section 17200, et seq.)**

1 34. Plaintiff hereby incorporates by reference all of the allegations contained in Paragraphs 1-  
2 33, inclusive, as set forth herein at length.

3  
4 35. By contract, Plaintiff Innovative Sports Management, Inc., was granted exclusive  
5 domestic commercial exhibition closed-circuit rights to the *Program*.

6  
7 36. Plaintiff did not authorize transmission, interception, reception, divulgence, exhibition, or  
8 display of the *Program* to the general public, persons at large, or to the commercial  
9 establishment operated by the foregoing Defendants, or any of them.

10 37. With full knowledge that the Program was not to be intercepted, received, published,  
11 divulged, displayed, and/or exhibited by commercial entities unauthorized to do so, each and every  
12 one of the above named Defendants either through direct action or through actions of employees or  
13 agents directly imputable to Defendants by virtue of their respective positions and authority did  
14 unlawfully intercept, receive, publish, divulge, display, and/or exhibit the Program at the real time  
15 transmission of the *Program's* broadcast at the commercial establishment, as more particularly  
16 indicated and identified above.

17 38. Plaintiff is informed and believes and alleges thereon that the Defendants and/or their  
18 agents, servants, workmen, or employees performed the aforementioned acts knowingly, willfully  
19 and to confer a direct or indirect commercial advantage and/or pirate financial gain to the  
20 Defendants, to the detriment and injury of Plaintiff and its business enterprise as a commercial  
21 distributor and closed-circuit licensor of sports and entertainment television programming.

22 39. The Defendants' unauthorized interception, publication, divulgence and/or exhibition was  
23 done by the Defendants wantonly, recklessly, and without regard whatsoever for the intellectual  
24 property rights of the Plaintiff.

25  
26 40. The aforementioned unlawful acts of each of the Defendants constituted, unlawful, untrue,  
27 fraudulent, predatory, unfair, and deceptive trade practices, and by reason of the aforementioned  
28 conduct, the Defendants, and each of them, violated California and Professions Code Section  
17200, *et seq.*



1 41. As a proximate result of the aforementioned acts attributable to the Defendants, Plaintiff  
2 has been permanently deprived of the patronage of current, previous and potential customers of the  
3 sports and entertainment programming it licenses commercially to the hospitality industry, all to its  
4 severe financial injury and loss in a sum to be determined at trial.

5  
6 42. By reason of the Defendants' violation of California Business and Professions Code  
7 Section 17200, *et seq.*, Plaintiff Innovative Sports Management, Inc. is entitled to restitution for its  
8 injuries, the disgorgement and turn-over of the Defendants' ill-gotten gains, as well as injunctive  
9 and declaratory relief, from each of the aforementioned Defendants as may be made more  
10 appropriately determined at trial.

11 43. Plaintiff is entitled to its attorneys' fees from the Defendants for enforcing California  
12 Business and Professions Code Section 17200 as it meets the standards of a private attorney  
13 general as specifically and statutorily defined under California Civil Procedure Section 1021.5.

14 **WHEREFORE, Plaintiff prays for judgment as set forth below.**

15  
16 **As to the First Count:**

- 17  
18 1. For statutory damages in the amount of \$110,000.00 against the Defendants,  
19 and each of them, and  
20 2. For reasonable attorneys' fees as mandated by statute, and  
21 3. For all costs of suit, including but not limited to filing fees, service of  
22 process fees, investigative costs, and  
23 4. For such other and further relief as this Honorable Court may deem just  
24 and proper;

25 **As to the Second Count:**

- 26  
27 1. For statutory damages in the amount of \$60,000.00 against the Defendants,  
28 and each of them, and;

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2. For reasonable attorneys' fees as may be awarded in the Court's discretion pursuant to statute, and;
  3. For all costs of suit, including but not limited to filing fees, service of process fees, investigative costs, and;
  4. For such other and further relief as this Honorable Court may deem just and proper.

**As to the Third Count:**

1. For compensatory damages in an amount according to proof against the Defendants, and each of them, and;
2. For exemplary damages against the Defendants, and each of them, and;
3. For punitive damages against the Defendants, and each of them, and;
4. For reasonable attorneys' fees as may be awarded in the Court's discretion pursuant to statute, and;
5. For all costs of suit, including but not limited to filing fees, service of process fee, investigative costs, and;
6. For such other and further relief as this Honorable Court may deem just and proper.

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1           As to the Fourth Count:

- 2
- 3           1.     For restitution to the Plaintiff in an amount according to and from the Defendants,
- 4                     for their ill-gotten gains, and;
- 5           2.     For declaratory relief, and;
- 6           3.     For prohibitory and mandatory injunctive relief, and;
- 7           4.     For reasonable attorneys' fees as may be awarded in the Court's
- 8                     discretion pursuant to statute, and;
- 9           5.     For all costs of suit, including but not limited to filing fees, service
- 10                  of process fees, investigative costs, and;
- 11           6.     For such other and further relief as this Honorable Court may deem just and proper.


12                               Respectfully submitted.

13

14

15

16     Dated: October 8, 2012

17                                 
18                               **LAW OFFICES OF THOMAS P. RILEY, P.C.**  
19                               By: Thomas P. Riley  
20                               Attorneys for Plaintiff  
21                               Innovative Sports Management, Inc.

22     ///

23     ///

24     ///

25     ///

26     ///

27     ///

28     ///

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge David O. Carter and the assigned discovery Magistrate Judge is Robert N. Block.

The case number on all documents filed with the Court should read as follows:

**SACV12- 1748 DOC (RNBx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☐ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☒ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CASE NUMBER

Innovative Sports Management,  
Inc.,

PLAINTIFF(S),

CV- SACV12-1748-DOC

CRINBA

v.

Renzo Macchiavello,  
(Please see attached)

DEFENDANT(S).

SUMMONS

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney

Thomas P. Riley, Esq. \_\_\_\_\_, whose address is:

Law Offices of Thomas P. Riley, P.C.  
1114 Fremont Avenue  
South Pasadena, CA 91030  
Tel: (626) 799-9797

An answer to the ✕ COMPLAINT, • \_\_\_\_\_ AMENDED COMPLAINT,  
(1<sup>st</sup>, 2<sup>nd</sup>, etc.)

• COUNTERCLAIM, • CROSS-CLAIM which is herewith served upon you within 21 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

CLERK, U. S. DISTRICT COURT

DATE: OCT 10 2012

By Maurice Dore  
Deputy Clerk

(SEAL OF THE COURT)

1 Thomas P. Riley, SBN 194706  
2 LAW OFFICES OF THOMAS P. RILEY, P.C.  
3 First Library Square  
4 1114 Fremont Avenue  
5 South Pasadena, CA 91030-3227

6 Tel: 626-799-9797  
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9 Attorneys for Plaintiff  
10 Innovative Sports Management, Inc.

11 UNITED STATES DISTRICT COURT  
12 FOR THE  
13 CENTRAL DISTRICT OF CALIFORNIA  
14 SOUTHERN DIVISION

15 INNOVATIVE SPORTS MANAGEMENT,  
16 INC.,

Case No.:

17 Plaintiff,

COMPLAINT

18 vs.

19 RENZO MACCHIAVELLO, individually and  
20 d/b/a RENZO'S TASTE OF PERU; and  
21 MACCHIAVELLO, LLC, an unknown  
22 business entity d/b/a RENZO'S TASTE OF  
23 PERU,

24 Defendants.

25 PLAINTIFF ALLEGES:

26 JURISDICTION

27 1. Jurisdiction is founded on the existence of a question arising under particular statutes.  
28 This action is brought pursuant to several federal statutes, including the Communications Act of 1934, as amended, Title 47 U.S.C. 605, *et seq.*, and The Cable & Television Consumer Protection

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Innovative Sports Management,  
Inc.,

PLAINTIFF(S),

V.

Renzo Macchiavello,  
(Please see attached)

DEFENDANT(S).

CASE NUMBER

CV- SACV 12-1748-DAC

(RUB<sub>x</sub>)

## SUMMONS

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney

Thomas P. Riley, Esq. \_\_\_\_\_, whose address is:

Law Offices of Thomas P. Riley, P.C.  
1114 Fremont Avenue  
South Pasadena, CA 91030  
Tel: (626) 799-9797

[illegible]

• COUNTERCLAIM, • CROSS-CLAIM which is herewith served upon you within 21 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

CLERK, U. S. DISTRICT COURT

OCT 10 2012

DATE: \_\_\_\_\_

By MARILYN DAVIS  
Deputy Clerk

(SEAL OF THE COURT)



1 **Thomas P. Riley, SBN 194706**  
2 **LAW OFFICES OF THOMAS P. RILEY, P.C.**  
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5 **South Pasadena, CA 91030-3227**

6 **Tel: 626-799-9797**  
7 **Fax: 626-799-9795**  
8 **TPRLAW@att.net**

9 **Attorneys for Plaintiff**  
10 **Innovative Sports Management, Inc.**

11 **UNITED STATES DISTRICT COURT**  
12 **FOR THE**  
13 **CENTRAL DISTRICT OF CALIFORNIA**  
14 **SOUTHERN DIVISION**

15 **INNOVATIVE SPORTS MANAGEMENT,**  
16 **INC.,**

**Case No.:**

17 **Plaintiff,**

**COMPLAINT**

18 **vs.**

19 **RENZO MACCHIAVELLO, individually and**  
20 **d/b/a RENZO'S TASTE OF PERU; and**  
21 **MACCHIAVELLO, LLC, an unknown**  
22 **business entity d/b/a RENZO'S TASTE OF**  
23 **PERU,**

24 **Defendants.**

25 **PLAINTIFF ALLEGES:**

26 **JURISDICTION**

27 1. Jurisdiction is founded on the existence of a question arising under particular statutes.  
28 This action is brought pursuant to several federal statutes, including the Communications Act of 1934, as amended, Title 47 U.S.C. 605, *et seq.*, and The Cable & Television Consumer Protection



## CIVIL COVER SHEET

<b>I(a) PLAINTIFFS</b>  Innovative Sports Management, Inc.  <b>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF</b> <u>New Jersey</u> (EXCEPT IN U.S. PLAINTIFF CASES)  <b>(c) ATTORNEYS (FIRM NAME, ADDRESS AND TELEPHONE NUMBER)</b> Thomas P. Riley, SBN# 194706 Law Offices of Thomas P. Riley, P.C. 1114 Fremont Avenue South Pasadena, CA 91030 Tel: (626) 799-9797		<b>DEFENDANTS</b>  Renzo Macchiavello, et al.  <b>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT</b> <u>Orange</u> (IN U.S. PLAINTIFF CASES ONLY)  <b>ATTORNEYS (IF KNOWN)</b>	
--	--	--	--

<b>II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)</b>  <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE FOR DEFENDANT)</b> (For Diversity Cases Only)  <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%;">PTF <input type="checkbox"/> 1</td> <td style="width:10%;">DEF <input type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business In This State</td> <td style="width:10%;">PTF <input type="checkbox"/> 4</td> <td style="width:10%;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>PTF <input type="checkbox"/> 2</td> <td>DEF <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td>PTF <input type="checkbox"/> 5</td> <td>DEF <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>PTF <input type="checkbox"/> 3</td> <td>DEF <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td>PTF <input type="checkbox"/> 6</td> <td>DEF <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4														
Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6														

<b>IV. ORIGIN (PLACE AN x IN ONE BOX ONLY)</b> <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify) <input type="checkbox"/> 6 Multidistrict Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment							
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<b>V. REQUESTED IN COMPLAINT:</b> <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	<b>DEMAND \$</b> 170,000.00	Check YES only if demanded in complaint: <b>JURY DEMAND:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
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**VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)**  
 Violation of Telecommunications Statutes 47 USC 553; 47 USC 605

<b>VII. NATURE OF SUIT (PLACE AN x IN ONE BOX ONLY)</b>					
<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 890 Other Statutory Actions	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment Of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability  <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury  <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability  <b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>FORFEITURE / PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung(923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSDI Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

**VIII(a). IDENTICAL CASES:** Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes  
 If yes, list case number(s): \_\_\_\_\_

**CIVIL COVER SHEET**  
(Reverse Side)

AFTER COMPLETING THE FRONT SIDE OF FORM JS-44C, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? X No      Yes

If yes, list case number(s): \_\_\_\_\_

CIVIL CASES ARE DEEMED RELATED IF A PREVIOUSLY FILED CASE AND THE PRESENT CASE:

- (CHECK ALL BOXES THAT APPLY)
- ☐ A. Appear to arise from the same or substantially identical transactions, happenings, or events;
- ☐ B. Involve the same or substantially the same parties or property;
- ☐ C. Involve the same patent, trademark or copyright;
- ☐ D. Call for determination of the same or substantially identical questions of law, or
- ☐ E. Likely for other reasons may entail unnecessary duplication of labor if heard by different judges.

IX. VENUE: List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)

☐ CHECK HERE IF THE US GOVERNMENT, ITS AGENCIES OR EMPLOYEES IS A NAMED PLAINTIFF.

New Jersey

List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).

☐ CHECK HERE IF THE US GOVERNMENT, ITS AGENCIES OR EMPLOYEES IS A NAMED DEFENDANT.

Orange

List the California County, or State if other than California, in which **EACH** claim arose. (Use an additional sheet if necessary)

**NOTE:** In land condemnation cases, use the location of the tract of land involved.

Orange

X. SIGNATURE OF ATTORNEY (OR PRO PER): X

Date 10/8/12

**NOTICE TO COUNSEL/PARTIES:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

<u>NATURE OF SUIT CODE</u>	<u>ABBREVIATION</u>	<u>SUBSTANTIVE STATEMENT OF CAUSE OF ACTION</u>
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))